

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

ANTHONY J. DETTORE,

Debtor.

ANTHONY J. DETTORE,

Plaintiff,

v.

JEM REAL ESTATE PREFERRED FUND I,
LLC,

Defendant.

Case No. 15-45642

Chapter 13

Judge Thomas J. Tucker

Adv. Pro. No. 15-4409

**ORDER DENYING PLAINTIFF'S EX PARTE MOTION FOR EXPEDITED HEARING
ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

This adversary proceeding is before the Court on Plaintiff's motion for an expedited hearing, entitled "Plaintiff's Ex Parte Motion To Expedite Hearing on Plaintiff[s] Emergency Ex Parte Motion for Preliminary Injunction Pursuant to 11 USC [§] 105" (Docket # 4, the "Expedited Hearing Motion"). Plaintiff seeks an expedited hearing on Plaintiff's Preliminary Injunction Motion, which in turn "seeks the extraordinary relief of a Preliminary Injunction to stay, for a period of not less than sixty (60) days, the expiration of the redemption period for the October 9, 2014 Sheriff's Sale of the [Plaintiff's home] pursuant to foreclosure by advertisement[.]" (Docket # 3 at 1.) The Court will deny the Expedited Hearing Motion, for the following reasons.

While the Expedited Hearing Motion does not say when the state law redemption period expires, the last page of Exhibit F to the Preliminary Injunction Motion (Docket # 3) says that the redemption period did not expire under state law until April 9, 2015. If the redemption period did not expire under state law until April 9, 2015, or later, then under 11 U.S.C. § 108(b), the Plaintiff-Debtor automatically obtained an extension of that redemption period until 60 days after April 9, 2015, because Plaintiff filed his Chapter 13 petition on April 9, 2015. Under state law, unless and until the redemption period expires without redemption, the sheriff's sale purchaser cannot seek eviction of the Debtor from the property at issue.

For these reasons, there is no need for an expedited hearing on the Preliminary Injunction

Motion.

Accordingly,

IT IS ORDERED that the Expedited Hearing Motion (Docket # 4) is denied.

Signed on May 07, 2015

/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge